LSA ASSOCIATES, INC.

AUGUST 2012

SUPPLEMENT TO EIR 564
MUSICK JAIL EXPANSION

## 1.0 INTRODUCTION

## 1.1 BACKGROUND

The County of Orange (County) proposes to change the site plan for the originally approved (1996) James A. Musick Facility (JAMF) expansion that was evaluated in Environmental Impact Report (EIR) No. 564 (EIR 564 [SCH No. 1996061024]. EIR 564, titled "James A. Musick Jail Expansion and Operation, Relocation of Interim Care Facility, Southeast Sheriff's Station" (hereinafter referred to as "EIR 564") was certified on November 5, 1996, by the Orange County Board of Supervisors. Because the Orange County Superior Court, in the case of *City of Lake Forest, City of Irvine vs. County of Orange*, Orange County Superior Court Case No. 77-24-42, ruled that several sections of the EIR were inadequate under the California Environmental Quality Act (CEQA), the Board of Supervisors recertified EIR 564, including recirculated sections, on October 20, 1998. The approximate 100-acre (ac) jail site is located in an unincorporated area adjacent to the Cities of Irvine and Lake Forest, located at 13502 Musick Road, generally northeast of the intersection of Interstate 5 (I-5) and Interstate 405 (I-405) (i.e., "El Toro Y").

Currently, the JAMF has a capacity of 1,256 beds and is rated<sup>1</sup> at a capacity of 713 beds, which has remained largely unchanged from the operations in 1996.<sup>2</sup> EIR 564 evaluated an expansion of the number of jail beds to 7,584 (and an additional 384 beds during emergencies). The County has applied for and intends to use State funding to build the first phase, up to 1,024 beds, of the planned expansion (refer to Section 2.1.5 related to Assembly Bill [AB] 900 Phases I and II for more details related to the funding application).

The purpose of this document is to evaluate proposed changes to the project that was originally analyzed in EIR 564 and to demonstrate that a Supplemental EIR (SEIR) is the appropriate document under CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.) to evaluate these changes. The change in the project consists of: changes to the site plan, changes to construction phasing, and changes to jail operations relating to agriculture.

#### 1.2 SUPPLEMENT TO EIR 564

EIR 564 was certified by the County of Orange, the Lead Agency under CEQA for the project. In accordance with CEQA Guidelines (Sections 15162 and 15163), this Supplement to Final EIR (FEIR)

Rated capacity refers to the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for medical or disciplinary isolation housing (special-use beds), are planned and designed in conformity to the standards and requirements contained in Title 24 of the California Code of Regulations – Minimum Standards for Local Detention Facilities.

JAMF has an additional 360 beds in four 90-bed tents that are considered temporary and are unrated, and an additional 185 unrated beds that have been added to the dormitories.

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564 has been prepared in order to address the changes involved with the expansion plans and agricultural operations of JAMF. To determine whether this project is eligible for the preparation of a SEIR, the criteria in Section 15162 must be met, as follows:

- 1. There are no substantial changes in the project which require major revisions to the previous EIR due to new significant impacts or a substantial increase in the severity of previously identified significant effects; and
- 2. There are no substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the previous EIR due to new significant impacts or a substantial increase in the severity of previously identified significant effects; and
- 3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified that shows new significant impacts or a substantial increase in the severity of previously identified significant effects;
- 4. There are no new or previously infeasible mitigation measures that would reduce the project's impacts that the project proponent refuses to adopt.

As stated in Section 15163 of the CEQA Guidelines, the Lead Agency may choose to prepare a Supplement rather than a SEIR if:

- 1. Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- 2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

The County has determined that CEQA requires preparation of a Supplement, rather than a SEIR, to evaluate the proposed changes to JAMF expansion plans and EIR 564. Refer to Chapter 2.0 of this SEIR for the full history of the JAMF and its planning and legal history.

A SEIR need contain only the information necessary to make the previous EIR adequate for the project as revised (Section 15163). Additionally, a supplement to an EIR may be circulated by itself without recirculating the previous Draft or FEIR. When the Lead Agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 must be made for each significant effect shown in the previous EIR as revised.

#### 1.3 SUMMARY OF UNCHANGED ITEMS

The following characteristics of the 1996 Master Plan will remain the same in the currently proposed revised Master Plan for the JAMF expansion:

- Maximum capacity of 7,584 inmates and an additional 384 beds during emergencies remains the
- Demolition and replacement of existing structures on the JAMF site

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- Primary entrance from Alton Parkway remains the same
- Accessory structures remain the same, including:
  - Centralized Countywide facilities for food service and laundry
  - Warehouse
  - Central Plant
- Sheriff's Substation
- Interim Care Facility (ICF)
- Access from Bake Parkway to Sheriff's Substation, ICF, and attendant parking garages

#### 1.4 SUMMARY OF CHANGED ITEMS

The following characteristics of the 1996 Master Plan and operations will be changed in the currently proposed revised Master Plan (JAMF Master Plan), including the building design and layout for the JAMF expansion.

- Agricultural operations ceased
- Relocation of the ICF, Southeast Sheriff's Substation, and parking lot structures to the east side of the site
- Inmate worker housing area (1,440 minimum security beds counted as part of the total 7,584 beds on site)
- Relocation of the electrical yard and the building housing the video visitation and administration functions to the Alton Parkway side
- Main portion of the jail facility configuration (no longer Complexes 1, 2, and 3 for main jail structure) is now an "H" layout near the center of the site
- At-grade parking instead of multilevel parking structures
- Depending on available funding, Phase 1 is anticipated to include construction of the following structures housing up to 1,024 beds in addition to existing jail uses and structures:
  - o Construction of up to 1,024 additional jail beds
  - New visitor parking area (160 spaces) and new staff parking area (326 spaces)
  - Detention basin in lower west corner of project site
  - Laundry and central warehouse
  - Infrastructure improvements
  - Jail administration and support space
- Subsequent build out to the maximum of 7,584 beds is expected to occur in multiple phases, but later than originally anticipated, and will replace the existing jail housing areas (providing 1,256 beds) and other existing structures
- Combination of fencing and berms surrounding portions of the JAMF site

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• Additional administration and processing structures and uses associated with the County's United States Immigration and Customs Enforcement (ICE) operations

# 1.5 OTHER EIRS AND RELATED DOCUMENTS INCORPORATED BY REFERENCE

This environmental analysis report incorporates and references several technical studies, analyses, and reports. Information from the documents that have been incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines has been briefly summarized in the appropriate sections of this report.

Documents incorporated by reference include, but are not limited to:

- FEIR 447 for the James A. Musick Facility Master Plan (1986)
- FEIR 564 for the James A. Musick Jail Expansion and Operation, Relocation of Interim Care Facility, and Southeast Sheriff's Station (1996) and related Administrative Record
- Recirculated Portions of FEIR 564 (1998) and related Administrative Record
- Court of Appeal unpublished decision in City of Lake Forest, City of Irvine v. County of Orange (2000)
- FEIR 585 Alton Parkway Extension Project (2006)
- Irvine Great Park EIR and Addenda (2000 through 2007)
- Great Park Neighborhoods Supplemental Environmental Impact Report (August 2011)
- Heritage Fields Project 2012 GPA/ZC Second Supplemental Draft EIR (July 2012)
- Lake Forest Opportunities Studies EIR (2006 and 2008)
- Shea/Baker Ranch Supplemental Environmental Impact Report (May 2012)
- Initial Study IP 97-136 Addendum No. 1 to FEIR 558 (Location of Near-Term Jail Facility: Theo Lacy Branch Jail Buildout and Operation) for Laundry Operations (1998)
- Initial Study IP 98-0043/Mitigated Negative Declaration Saddleback Sheriff's Station Central Laundry Facility (1998)
- Jail Needs Assessment Preliminary Findings and Recommendations, February 21, 2008, revised March 21, 2008
- ICE CEQA Analysis (*Proposed Agreement to House Federal Civil Detainees*) adopted July 20, 2010
- Jail Needs Assessment Addendum November 8, 2011
- Application for AB 900 Phase II Funding for Musick Expansion (Board of Supervisors, December 6, 2011)

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#### 1.6 INTENDED USE OF THE SUPPLEMENTAL EIR

The County is the Lead Agency for this project under CEQA. CEQA and the CEQA Guidelines establish the County as the Lead Agency, which is defined in CEQA Guidelines Section 15367 as "the public agency which has the principal responsibility for carrying out or approving a project." The Lead Agency decides whether an EIR or Negative Declaration (ND) is required for the project and is responsible for preparing the appropriate environmental review document.

This SEIR has been prepared for the County in accordance with CEQA and the CEQA Guidelines. This SEIR will be used by the County, responsible agencies, and the public for the purpose of evaluating the environmental effects associated with the proposed jail expansion as described in the Project Description.

### 1.7 LEAD AGENCY CONTACT INFORMATION

The Lead Agency for the proposed project is the County of Orange. The contact person for the Lead Agency is:

Tom C. Davis Orange County Sheriff's Department R&D Division/Facilities Planning Unit 431 The City Drive South Orange, CA 92868

Phone: (714) 935-6968, Email: davistc@ocsd.org

## 1.8 FORMAT OF THIS ENVIRONMENTAL ANALYSIS REPORT

This report has been organized into four chapters, as described below:

- **Chapter 1.0: Introduction** Chapter 1.0 includes a description of the purpose and scope of the SEIR, summary of changes to the project, previous environmental documentation, project approvals, findings of EIR 564, and existing documents to be incorporated by reference.
- Chapter 2.0: Project History and Background Chapter 2.0 includes the history of the planning process and historical background information about the facility.
- Chapter 3.0: Project Description Chapter 3.0 describes the location and setting of the site, the necessary discretionary and ministerial actions to implement the proposed project, and an overview of the changes to existing conditions.
- Chapter 4.0: New Analysis Chapter 4.0 analyzes the changes in impacts to agricultural operations and resources and adds new climate change analysis.
- Chapter 5.0: Comparative Evaluation of Environmental Impacts Chapter 5.0 addresses the project's potential to have a physical effect on the environment and includes a comparison of those impacts with impacts analyzed in EIR 564. This comparative analysis has been undertaken pursuant to provisions of CEQA to provide decision-makers with a factual basis for determining

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which topics would need to be addressed in the SEIR by the application of CEQA Guidelines Section 15162.

- **Chapter 6.0: Updated Mitigation Monitoring Program** Chapter 6.0 includes the updated Mitigation Monitoring Program for the JAMF project.
- **Chapter 7.0: References** Chapter 7.0 includes references used for the preparation of this Supplement to EIR 564.
- Appendix A: Appellate Court Decision (4th Appellate District, Division 3, December 8, 2000) Appendix A includes the full Appellate Court decision concerning EIR 564.
- Appendix B: Press Coverage and Public Records (1987–2008) Appendix B is a collection of
  press articles and public records regarding the County's jail expansion efforts and discussions
  with neighboring cities.
- **Appendix C: County of Orange Environmental Analysis Checklist** Appendix C includes the Environmental Analysis Checklist.
- **Appendix D: Updated Traffic Study** Appendix D provides an update for Traffic analysis of the proposed project.
- **Appendix E: Air Quality Update Technical Memorandum** Appendix E provides an update of air quality analysis for the proposed project.
- **Appendix F: Cumulative Impacts Analyses Incorporated by Reference** Appendix F includes the cumulative analyses from referenced EIRs relevant to the project site.
- **Appendix G: Best Management Practices (BMPs)** Appendix G includes BMPs typically used for projects such as the proposed JAMF Project and the Water Quality Management Plan contents.